

AT THE ORGANIZATIONAL MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, JANUARY 4, 2005.

**Board Members Present:** William C. Chase, Jr.  
John F. Coates  
Sue D. Hansohn  
James C. Lee  
Steven E. Nixon  
Brad C. Rosenberger

**Board Member Absent:** Steven L. Walker

**Staff Present:** Frank T. Bossio, County Administrator  
J. David Maddox, County Attorney  
Valerie H. Lamb, Finance Director  
John C. Egertson, Planning Director  
Paul Howard, Director of Environmental Services  
Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Bossio, County Administrator, called the organizational meeting to order at 10:00 a.m. and stated he would preside until a chairman was elected.

**INVOCATION**

Rev. Ted Fuson, Pastor, Culpeper Baptist Church, presented the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Nixon led the members of the Board and the audience in the Pledge of Allegiance to the Flag.

**RE: ELECTION OF CHAIRMAN**

Mr. Bossio opened the floor for nominations for Chair of the Board for 2005.

Mr. Lee moved, seconded by Mr. Nixon, to nominate John Coates for Chairman.

With no further nominations, Mr. Lee moved, seconded by Mr. Nixon, that the nominations be closed.

Mr. Bossio called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

Motion carried 6 to 0.

Mr. Coates thanked the Board and assumed the Chairmanship.

**RE: ELECTION OF VICE-CHAIRMAN**

Mr. Coates opened the floor for nominations for Vice Chair for 2005.

Mr. Chase moved, seconded by Mr. Lee, to nominate Steven Nixon for Vice Chairman.

With no further nominations, Mr. Lee moved, seconded by Mr. Chase, that the nominations be closed.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

Motion carried 6 to 0.

Mr. Nixon announced that Mr. Walker was absent, and he wanted everyone to know that he had discussed the Vice Chairmanship with Mr. Walker and he agreed with the change.

Mr. Coates stated that Mr. Walker was returning from Europe and hoped to be present for the evening session.

**RE: 2005 RULES OF ORGANIZATION**

Mr. David Maddox, County Attorney, explained that the Rules Committee had considered the Rules of Procedure and recommended two amendments: (a) The consolidation of the current Section 6-9 and Section 6-4 because of overlap and duplication; and (b) the addition of a new Section 2-8 to cover conduct and address civility in Board meetings and other meetings in which a chairman may order the removal of unruly or disruptive individuals. He said a question had arisen regarding additional sanctions, and he cited a statute authorizing that a board may adopt an ordinance making such actions a misdemeanor, but he had not been directed to draft such language for the Board's consideration.

Mr. Chase inquired whether the rule applied to Board members. Mr. Maddox replied that the rule would apply to everyone.

Mr. Nixon moved, seconded by Mrs. Hansohn, to adopt the 2005 Rules of Procedure.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

Motion carried 6 to 0.

**RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS**

Mr. Coates called for additions and/or deletions to the agenda. There were none.

Mr. Nixon moved, seconded by Mr. Lee, to approve the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

Motion carried 6 to 0.

**RE: MINUTES**

The minutes of the December 7, 2004 regular meetings were presented to the Board for consideration.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

Motioned carried 6 to 0.

**CONSENT AGENDA**

Mr. Bossio, County Administrator, reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving a budget amendment for the Clerk of the Circuit Court for Technology Trust Funds to be received in FY 05 in the amount of \$32,153.69. The funds may be used to purchase equipment related to indexing and microfilming.
- b. The Board will consider approving an Operational Transfer for Environmental Service in the amount of \$41,873 to purchase and install a new boiler at Piedmont Tech.
- c. The Board will consider approving a budget amendment for the Airport CIP Project, Parking/Hangar Site Prep Construction, of the revised amount to \$360,000. State funding will be \$88,000 and \$22,000 additional local funds. It is being requested that the \$22,000 come from the leftover money from the construction of the hangars.
- d. The Board will consider approving a budget amendment for the Airport CIP Project, Mid-field Apron Construction, in the revised amount to \$1,027,310. Federal funding will be \$263,44, State funding will be \$8,319, and local funding will be \$5,550. It is being requested that the \$5,550 come from the leftover money from the construction of the hangars.
- e. The Board will consider approving a budget amendment for Court Security for Courthouse safety items in the Sheriff's Office in the amount of \$20,000. It was anticipated that the \$5.00 fee collected from each defendant for each conviction or violation of a statute or ordinance would generate

\$24,180. During FY 04, the County actually collected \$47,548, thus creating an overage of \$23,368. The Sheriff's Office would like to use \$20,000 of the excess fees to offset an increase in overtime.

f. The Board will consider approving a request from the Culpeper County Library to submit a grant application sponsored by MetLife Foundation and Libraries for a *Get Real, Get Fit* grant in the amount of \$1,500. A local match of \$500 would come from the Library's budget and/or the Friends of the Library.

g. The Board will consider approving a request from the Culpeper County Library to submit a grant application for a Gates Foundation Grant administered through the State Library in the amount of \$2,320. The funds will be used for a Computer Training Lab. A \$650 local match would be paid by the Friends of the Library.

h. The Board will consider approving a budget amendment for the Department of Environmental Services for funds received from the Commonwealth of Virginia for the Pesticide Recycling Container Program in the amount of \$1,773.58.

i. The Board will consider adopting a resolution in support of posting signage on Quail Ridge Drive, Route 1170, in recognition of a special needs child in an effort to slow down traffic in the area.

Mr. Nixon moved, seconded by Mr. Lee, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

Motioned carried 6 to 0.

### **GENERAL COUNTY BUSINESS**

### **NEW BUSINESS**

### **COMMITTEE REPORTS**

### **BUILDINGS & GROUNDS COMMITTEE/DECEMBER 14, 2004/8:00 A.M.**

Mr. Lee reported that the Buildings and Grounds Committee met and there were no action items for the Board's consideration.

See Attachment #1 for details of meeting.

### **RULES COMMITTEE/DECEMBER 14, 2004/9:00 A.M.**

In Mr. Walker's absence, Mr. Bossio reported that the Rules Committee met and continued a discussion of the Tax Incentive Program, in which Mr. Sachs briefed the Committee members on changes made by the Commissioner of the Revenue on the assessment rule made on machinery and tools. He indicated that Mr. Sachs had studied the impact the changes would have on the County's

Tax Incentive Program and the Rules Committee passed two motions: (1) To forward a recommendation to the full Board to advertise for a public hearing to amend Article XIII, Section 12-187, Default, to reduce the period of time that an employer must remain at a Culpeper location to be eligible for the company to collect the training benefits to two years after the training was completed; and (2) to forward a recommendation to the full Board to advertise for a public hearing to amend Article XIII, Section 12-182, Eligibility, to include foundries.

Mr. Nixon moved, seconded by Mr. Lee, to accept the recommendation of the Rules Committee to advertise an amendment to Article XIII, Section 12-187, for a public hearing.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

Motioned carried 6 to 0.

Mr. Nixon moved, seconded by Mr. Lee, to accept the recommendation of the Rules Committee to advertise an amendment to Article XIII, Section 12-182, for a public hearing.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

Motioned carried 6 to 0.

Mr. Bossio informed the Board that the Rules Committee discussed additional funding for the Soil and Water Conservation District. He stated that Mr. Egertson presented the request from the Soil and Water Conservation District for \$9,500 in additional funding to create a dedicated position for the final six months of the current fiscal year due to an increase in the volume of erosion control and stormwater management plans. He said the Rules Committee has recommended approval of the request.

Mrs. Hansohn asked whether the Soil and Water Conservation District would receive equal compensation from the other counties covered by the District. Mr. Egertson replied that the District had experienced an equal increase in workload from the Counties of Culpeper and Orange, and the proposal was to collect \$9,500 each from Culpeper and Orange to finish out this year and next year the cost for the position would be split proportionately among the four counties.

Mr. Nixon moved, seconded by Mr. Lee, to accept the recommendation of the Rules Committee to approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

See Attachment #2 for details of meeting.

#### **LEGISLATIVE COMMITTEE/DECEMBER 14, 2004/10:00 A.M.**

Mr. Rosenberger reported that all Board members were in attendance at the December 14 meeting of the Legislative Committee and supported both the VACo Region 7 and the VACo legislative programs, with some minor changes.

Mr. Rosenberger moved, seconded by Mr. Nixon, to approve the recommendation of the Legislative Committee.

Mr. Coates asked whether a meeting had been scheduled with the County's legislators. Mr. Bossio replied that a meeting was scheduled for February 3.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Absent - Walker

#### **ECONOMIC DEVELOPMENT REPORT**

Mr. Carl Sachs, Director of Economic Development, thanked the Board for considering the proposed amendments to the Tax Incentive Program. He stated that he had received two applications from businesses to participate in the program: One from an existing company at the Culpeper Industrial Airpark that would be expanding and purchasing new equipment; and the other from a new business to Culpeper that recently bought a building, was retrofitting that building, and would be adding new equipment and new jobs.

Mr. Sachs provided the following report:

1. Several inquiries had been received from large commercial developers, who indicated that Culpeper was a growing community and had the interest of various retailers. The interest was expected to continue, both north and south of the Town area, and the challenges to be faced were transportation access areas and the availability of properly zoned land.
2. Marketing efforts resulted in mailing out of 17 business location information packages during the month of December.
3. Mr. Leon Fincher, Precision Machine Works, located on Industrial Park Road, would be the luncheon guest at today's luncheon.

#### **AIRPORT ADVISORY COMMITTEE**

Mr. Bossio reported that the Airport Advisory Committee met and there were no action items to forward to the Board.

### **ADMINISTRATOR'S REPORT**

Mr. Bossio presented the following Administrator's Report:

1. Little Fork Fire and Rescue Company was honored recently by the Governor as an Outstanding EMS Agency.
2. The VACo/VML Legislative Day has been scheduled for the afternoon of February 3, 2005, at the Richmond Marriott. Mr. Bossio will be participating in the Rural Caucus Day on February 2.
3. The Chairpersons' Institute has been scheduled for February 3-5, 2005 at the Richmond Marriott; and
4. Financial Disclosure forms are due to the Deputy Clerk on or before January 15, 2005.

Mr. Coates called for a recess at 10:27 a.m.

Mr. Coates called the meeting back to order at 10:46 a.m.

### **CLOSED SESSION**

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) Reappointments and/or appointments to three positions on the Planning Commission; (B) Reappointments and/or appointments to four positions on the Agricultural and Forestal Districts Advisory Committee; and (C) Reappointment and/or appointment to the Parks & Recreation Advisory Committee.
2. Under *Virginia Code* §2.2-3711(A)(7), for consultation with legal counsel and Staff pertaining to actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.
3. Under *Virginia Code* §2.2-3711(A)(7), for consultation with legal counsel and Staff pertaining to actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.
4. Under *Virginia Code* §2.2-3711(A)(7), for consultation with legal counsel and Staff pertaining to actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.
5. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for consultation with the County Attorney and staff regarding the award of a public contract involving the expenditure of public funds and discussion

of the terms and scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County.

Seconded by Mr. Lee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger

Nay – Chase

Motion carried 5 to 1.

Mr. Coates called for a recess at 1:00 p.m. for lunch break.

The Board reconvened at 2:27 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show Mr. Chase did not return for the afternoon portion and Mr. Walker was absent.

Ayes - Lee, Coates, Nixon, Rosenberger, Hansohn

**RE: GREENGAEL LAWSUIT**

Mr. Nixon moved that staff be instructed to move forward to file the necessary papers to enter into the appeals process in the Greengael lawsuit. Seconded by Mr. Lee

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger

Absent – Chase, Walker

Motion carried 5 to 0.

**RE: APPOINTMENTS TO PLANNING COMMISSION**

Mr. Nixon moved, seconded by Mr. Lee, to reappoint Mary E. Foley and David V. Lowery to the Planning Commission and to appoint Freddie DeWayne Payne, Jr.

Mr. Coates called for voice vote.

Ayes – Coates, Lee, Nixon, Rosenberger

Nay - Hansohn

Absent – Chase, Walker



Motion carried 4 to 1.

**RE: APPOINTMENTS TO AGRICULTURAL & FORESTAL DISTRICTS ADVISORY COMMITTEE**

Mr. Nixon moved, seconded by Mr. Lee, to reappoint James M. Bowen, Antoinette (Toni) A. Flory, and Kenneth W. Smith to the Agricultural and Forestal Districts Advisory Committee and to appoint Robert R. Burnett.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger

Absent – Chase, Walker

Motion carried 5 to 0.

Mr. Nixon moved, seconded by Mr. Rosenberger, to regrettfully accept Mr. Jim Queen's resignation from the Agricultural and Forestal Districts Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger

Absent – Chase, Walker

Motion carried 5 to 0.

**RE: FIRST MOTION RESTATED**

Mr. Nixon stated he would like to restate his first motion regarding the lawsuit.

Mr. Nixon moved that the Board of Supervisors approve and direct an appeal of the decision of the Circuit Court of Culpeper County in Case No. 2003-C-142 and Case No. 2003-C-218. Seconded by Mr. Lee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger

Absent – Chase, Walker

Motion carried 5 to 0.

**RE: PARKS & RECREATION ADVISORY COMMITTEE**

Mr. Nixon moved, seconded by Mrs. Hansohn, to reappoint Jack Roycroft to represent the Catalpa District on the Parks & Recreation Advisory Committee and to appoint Christine K. Willis to represent the Salem District.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger

Absent – Chase, Walker

Motion carried 5 to 0.

**ADJOURNMENT**

Mr. Rosenberger moved, seconded by Mr. Nixon, to adjourn at 2:30 p.m.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger

Absent – Chase, Walker

Motion carried 5 to 0.

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Peggy S. Crane, CMC  
Deputy Clerk

John F. Coates, Chairman

ATTEST:

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Frank T. Bossio  
Clerk to the Board

Approved: February 1, 2005

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AT THE REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, JANUARY 4, 2005.

**Board Members Present:**     **John F. Coates, Chairman**  
   **Steven L. Walker, Vice-Chairman**  
   William C. Chase, Jr.  
   Sue D. Hansohn  
   James C. Lee  
   Steven E. Nixon  
   Brad C. Rosenberger

**Staff Present:**                     Frank T. Bossio, County Administrator  
   John C. Egertson, Planning Director  
   Sam McLearen, Zoning Administrator  
   Peggy S. Crane, Deputy Clerk

**Staff Absent:**                     J. David Maddox, County Attorney

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m. and turned the meeting over to Mr. Bossio.

Mr. Bossio explained to the Board and those in attendance that the County Attorney, Mr. Maddox, fell ill that afternoon and would not be present.

**RE: AGENDA – ADDITIONS AND/OR DELETIONS**

Mr. Bossio recommended that the agenda be amended as follows: 1) move item #1 - **THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AMENDING CHAPTER 12 ENTITLED TAXATION OF THE COUNTY CODE**, and 2) move item #2 - **THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AMENDING CHAPTER 10 ENTITLED MOTOR VEHICLES AND TRAFFIC OF THE COUNTY CODE**, which were both scheduled for public hearings to the February 1, 2005 Board meeting, and 3) recess agenda item #3 - **CLEVINGER'S VILLAGE WATER AND SEWER AGREEMENT**, and item #4 - **CASE NO. Z-403-04-1**. Request by Centex Homes, Kenneth Thompson, Minnie Thompson, Newwales, L.C., South Wales Utility, Inc., and South Wales, L.P. to rezone 1,754.07 acres from A-1, RA, R-1 and R-2 to PUD (Planned Unit Development). The proposal would allow for up to 774 dwelling units and 398,000 square feet of retail and office/employment space. The property is located on Routes 211, 229 and 621 in the Jefferson Magisterial District. The Culpeper County Comprehensive Plan designates this area for commercial, low and medium density residential development. Tax Map/Parcel Nos. 7/1, 1A, 1B, 1C, 2, 2A and 8/1 (Portion), 1B, to a future date.

Mr. Coates asked if the changes presented by Mr. Bossio were acceptable.

Mr. Lee moved, seconded by Mr. Nixon, to remove items #1 and #2 from the agenda and place them on the February 1, 2005 agenda.

Mrs. Hansohn suggested that all the items be considered at the February Board meeting because there were only two items being forwarded from the Planning Commission.

Mr. Walker asked if those who came to address agenda items #1 and #2 would be given an opportunity to address those items. Mr. Coates recommended that agenda items #1 and #2 be rescheduled until the February meeting, and that items #3 and #4 be heard on January 24. He said that Centex's legal counsel was agreeable to the January 24<sup>th</sup> date because of the circumstances that occurred today.

Mr. Coates called for vote on motion to move agenda items #1 and #2 to the February Board meeting.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Lee moved, seconded by Mr. Nixon, that agenda items #3 and #4 be heard on January 24, 2005.

Mr. Rosenberger inquired regarding what the time frame for this rezoning application. Mr. Egertson replied that the application was submitted in July 2004 and the Board had until July 2005 to act on the application.

Mr. Rosenberger said he would not support the motion and felt it should be heard at the regular February Board meeting.

Mr. Walker inquired if the public would be allowed to address those items during the public comment period since the items were removed from the agenda. Mr. Coates said the public hearing on those two items would be heard on January 24 at 7:00 p.m. in the Board of Supervisors' meeting room.

Mr. Coates called for vote on motion to hear agenda items #3 and #4 on January 24.

Ayes – Chase, Coates, Lee, Nixon, Walker

Nay – Hansohn, Rosenberger

Motion carried 5 to 2.

Mr. Coates, on behalf of the Board, apologized for the inconvenience this delay may have caused; however, he said the County Attorney needed to be present for the Board to conduct business to answer any questions the Board may have.

Mr. Rosenberger pointed out that the Board had not addressed the Citizen Forum and that it still remained on the agenda. Mr. Coates asked if the Board wanted to open the Citizen Forum and hear comments. Mrs. Hansohn felt that if anyone came to address the Board during the Citizen Forum should be allowed to speak.

Mr. Lee moved, seconded by Mr. Walker, to accept the current agenda.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

### **CITIZEN FORUM**

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Mr. George Bryson, Jefferson District, informed the Board that a minor subdivision was being constructed adjacent to his property and that he had been unable to obtain information on the application. He said he would like to meet with Mr. Rosenberger since he was his representative on the Board to discuss the problems he was experiencing and Mr. Rosenberger could report back the issues back to the Board.

With no further comments, Mr. Coates closed the Citizen Forum.

### **ADJOURNMENT**

Mr. Nixon moved to adjourn at 7:17p.m. Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

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Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman

ATTEST:

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Frank T. Bossio  
Clerk to the Board

APPROVED: February 1, 2005